

# FARMINGTON CITY COUNCIL MEETING

Wednesday, May 5, 2004

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor Protem Susan T. Holmes, Council Members David Hale, Larry W. Haugen, Sid Young, and Rick Dutson, City Manager Max Forbush, City Finance Director Keith Johnson, and Deputy Recorder Jeane Chipman. Mayor Connors was excused from the work session.

**Mayor Protem Holmes** began discussion of the regular session's agenda at 6:30 P.M. The Council had met previously to discuss budget issues. The following items were reviewed:

**Agenda Item #4, Consideration of Ordinance Adjusting Municipal Boundary Line with Fruit Heights.** Mr. Forbush said that any interlocal agreement with Fruit Heights would need to address trail and drainage issues. There was a question about Fruit Heights' preference regarding the proposed realignment.

**Agenda Item #5, Consideration of Plat Amendment for Hughes Estates Subdivision.** Mr. Forbush discussed the history behind the Hughes Estates Subdivision and the related settlement agreement with the original developer. Part of the agreement called for a reduction of the 40 foot easement to a 20 foot easement. Also affecting plat amendment plans was the trail design through the Moyer property.

**Agenda Item #16, Use of Heritage Park for City Recreation Sports Events.** There would likely be a great deal of public interest in the proposal to move City recreation football games to the Heritage Park. A petition had been submitted in opposition to the proposal. Mr. Forbush suggested that the petition be accepted by the Council and that a future public hearing schedule be set.

## REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

**PRESENT:** Mayor Protem Susan T. Holmes, Council Members David Hale, Larry W. Haugen, Sid Young, and Rick Dutson, City Manager Max Forbush, City Finance Director Keith Johnson, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman. Mayor Connors was excused for the first part of the meeting.

**Mayor Protem Holmes** called the meeting to order at 7:00 P.M. The invocation was offered by **Jacob Welch** of Scout Troop 103 and the Pledge of Allegiance was led by **Erin Jensen** of Scout Troop 283.

## APPROVAL OF MINUTES OF PREVIOUS MEETING

**David Hale** moved to approve the minutes of the April 21, 2004, City Council Meeting with corrections as noted. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative. **Mayor Protem Holmes** abstained due to her absence during that meeting.

**Larry Haugen** moved that the City Council approve minutes for the special City Council meeting held Wednesday, April 21, 2004. **Sid Young** seconded the motion, which passed by unanimous vote.

### **REPORT OF PLANNING COMMISSION (Agenda Item #3)**

Mr. Petersen was unable to attend the meeting. Therefore, the agenda item was omitted.

### **PUBLIC HEARING: CONSIDERATION OF ORDINANCE ADJUSTING THE MUNICIPAL BOUNDARY LINE WITH FRUIT HEIGHTS CITY AND RELATED SCHEMATIC SUBDIVISION APPROVAL AND ZONE DESIGNATION (Agenda Item #4)**

**Mr. Forbush** introduced the agenda item. In order for the boundary line adjustment to occur, both cities must agree. Several options had been discussed in both cities. Options were contingent on the two cities entering into an interlocal agreement which addressed drainage, open space, trails, and access. The proposed subdivision on the property in question had received preliminary plat approval from Fruit Heights City. During their city council meeting the previous evening, Fruit Heights approved one of the options for boundary line adjustment, keeping the proposed subdivision in Fruit Heights.

**Mike Flood** (representative of Hawkins Company, the developer of the proposed subdivision) reported the action of the Fruit Heights city council. The Fruit Heights officials were aware that Farmington was considering another option which allowed the subdivision into Farmington. He explained the reasons the developer had originally considered bringing the subdivision into Farmington. The developer had previously discussed trail and other issues with Farmington staff and had come to some possible agreements. It is the intent of the developer to go forward with the plat being considered by Fruit Heights. However, until the plat is recorded it is not legal. He felt there was still a possibility to come into Farmington. There are mutual benefits if the subdivision comes into Farmington for both the developer and Farmington City. Fruit Heights has no real problems if the subdivision comes into Farmington. In response to a question from Mr. Hale, Mr. Flood stated that if the subdivision goes into Fruit Heights, the access road to the north would have to be improved all the way to the Mountain Road.

### **Public Hearing**

**Mayor Protem Holmes** opened the meeting to a public hearing.

**Mark Howard** (681 North Eaton Court) spoke regarding the negative impact on the Somerset Subdivision. He said the easement that has been suggested by the developer as a secondary access to the southwest of the new subdivision was originally created by a court hearing and was not a public easement. It is currently a private easement between two private property owners. In order for the City to use that easement as a public easement, it would be tantamount to a "taking" of

property. If the easement increased traffic in the area it would be a difficult situation because the roads there were not built to standards and would not handle any amount of heavy traffic. Having the subdivision come into the City would adversely affect the property owners and their rights.

**Elizabeth Thatcher** (1921 Kensington) said her house is the one that is most affected by the construction dust and noise of the new development. She had been promised by previous City Councils that traffic would not be allowed to use the easement property. The access road is very small.

**Anne Martinez** (630 Ramsgate Road) stated that if the easement road were to be used even by construction trucks it would be very dangerous and detrimental to the area. The road could not handle that kind of traffic. The subdivision should be considered a conservation development. The roads are very narrow. There are blind curves where children live. Having construction trucks using those roads would be very dangerous to those who live there. There is an old CCC rock wall of historic nature in the nearby property. The trails map includes that area as a trail corridor and it should be preserved. There are indigenous plants and trees of great importance which should also be preserved.

**Amy Hater** (1752 Ramsgate/President of the Somerset HOA) stated that the home owners in the area were against the use of the easement by traffic. Even if the developer brings the subdivision into the City, the other access to the north should be developed.

**Paul Chase** (1162 North Alice Lane) stated he is a member of the Farmington Trails Committee and that the Committee is very interested in the property because of its proximity to two very important trails through the area. Access and connections need to be preserved as approved in Farmington's Master Trails Plan.

**Jean Evans** (1713 West Springwood Drive) stated her concern was the drainage off the new subdivision coming down through her property. She was in support of the property coming into Farmington City so that it could be controlled by Farmington City. Fruit Heights may not be careful about the drainage through Farmington lands. Mrs. Evans also wanted to have the subdivision developed into one-acre lots, thus preserving the character of the area. She felt that would also help in reducing the drainage from developed property.

**Harley Evans** (1713 West Springwood Drive) reviewed his understanding of set backs and lot size requirements in Farmington, especially in steep hillside areas. Some of the roads that would need to go through the new subdivision would have to be over the restricted allowance for grade in the City. The size of the lots being proposed by the developer was way under the restriction for the City. If small lots are allowed, there will be a lot of run-off. It will cause real problems on his property. He stated that there is a state and federal law that restricts the run-off to historic flow from one property to another.

**Tom Morgan** (1436 North 1670 West) commented that the easement in question had for years been planned as a crossing for the roads by both cities. He recounted some of the history of the property in question. He felt one of the two options presented should be acted upon by the City during the current meeting.

**Anne Martinez** was concerned about jurisdiction over trail corridor property. Fruit Heights is not supportive of the trail system which Farmington has worked so hard to create.

**Mr. Forbush** clarified that it had been suggested the trail corridor would come into Farmington City.

### **Public Hearing Closed**

With no further comments, **Mayor Protem Holmes** closed the public hearing and invited the Council to consider the issues.

**Mr. Forbush** explained that the majority of the proposed subdivision is currently in Fruit Heights City. There is a land swap of two parcels under consideration by the City Council. The boundary is not legal until both cities approve the change.

[Mayor Connors arrived at 7:55 P.M.]

**Mr. Young** stated that whether or not the subdivision comes into Farmington, drainage and trails must be properly handled through an interlocal agreement. When the access is approved to the north, the access easement issue would go away.

**Mr. Forbush** said even if the subdivision were in Fruit Heights, it would have to pay fees to Farmington City if the water drainage comes through Farmington. The ordinance before the City Council does not become effective until an interlocal agreement is signed by both cities. The issue of lot sizes would not be controlled by Farmington City if the subdivision goes into Fruit Heights. He reported the Planning Commission had been concerned about the trails, the drainage, the lot sizes, and the access.

**Mr. Haugen** felt that there should be a clearer boundary line between the two cities so that road maintenance and neighborhood congeniality could be preserved. Mr. Haugen was also concerned that the historic flow of water be maintained.

**Mr. Forbush** stated that the ordinance had been written so that any action could be negated if the interlocal agreement was not reached. He demonstrated on an overhead map where a trail corridor had been planned. There would not be a problem securing a trail to the north if the Morgan property was annexed to Farmington in exchange for Farmington land being annexed into Fruit Heights to complete the proposed subdivision.

**Motion**

**David Hale** moved that the City Council table the issue until more information is obtained regarding drainage, inter-local agreement, access easement issues, and until the Mayor of Fruit Heights can be contacted to correctly determine Fruit Heights' preferences. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF PLAT AMENDMENT FOR HUGHES ESTATES SUBDIVISION AND RELATED ORDINANCE WITH VACATION ORDER (Agenda Item #5)**

**Mr. Forbush** explained the agenda item. He said that the item was before the Council to try and solve a dispute between the City and the developers of Hughes Estates. Parcel B of the Hughes Estates was to be sold to the City for \$25,000 as a result of a settlement agreement. The developer was to pay for drainage resolution of the adjacent Haddad proposed subdivision for \$11,000. Part of the settlement agreement also called for vacation of some of the lots and amendment of the subdivision plat. Mr. Forbush stated he had discussed portions of the proposed amendments with the owner of lot 105. The owner was not adverse to increasing the proposed 20 foot easement to 25 feet. The Council needed to decide on a trail easement for the amended plat. Lots 126, 127, and 128 are not buildable until a great deal of material is removed. Mr. Forbush presented alternative trail easement locations across lots 126, 127, and 128.

**Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Laurel Moyer** (owner of lot 125) had no objections to the plat amendment. She said, however, that the neighbors were adamant about putting a gate on the road to prevent motorized vehicles on the hillside. She referenced codes which restrict motorized vehicles and hunting in the area. She also asked for signs restricting such use of the hillside trails.

**Walt Whitehead** (543 East Greystone) stated that in principle he had no objection to the proposal. He would like to see the landlocked parcel (Lakeview Hills 32-D) be under the covenants and restrictions of the subdivision. It would be better for the harmony of the neighborhood. He said he would have an objection to the action in the absence of such an agreement.

**Dan Bridenstein** (of USDS development) stated that the issue of having the lots come into the HOA could be addressed by his company. He committed to the City that he wanted to protect the quality of the subdivision. Mr. Bridenstein discussed his plans to excavate property to improve the slope approach for the trail and to make the lots more buildable. He had assumed the property was only for non-motorized traffic and supported the neighbors' wishes to have gates to prohibit motorized access.

**Kate Daniels** (502 Islandview Circle) stated her feeling that if the plat was changed, the trail corridor ownership would change. With hunters, drainage, and motorized traffic there comes liability issues. There really would need to be two gates, one at each end of the road. The steepness of the trail is also very dangerous, especially for motorized vehicles.

**Noel Erasmus** (Kaysville) wanted the City Council to be aware that he would loose property if the decreased easement were approved. He is trying to build a home next to Hughes Estates that was in compliance with City ordinances. It would be very difficult to pave 20 feet of property within 20 feet of easement. He was also aware that utilities would need to be brought through. He was trying to do his best to accommodate his neighbors but did not want to lose rights as a property owner. He had a concern regarding the reduction of the current 40 foot easement to a 20 foot easement.

### **Public Hearing Closed**

With no further comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration.

**Mr. Young** wanted to have more information regarding lot 32D.

**Mr. Forbush** said that lot 32D (Lakeview Hills) currently has access by a 40' easement through Hughes Estates Subdivision.

**Mr. Young** said that Mr. Bridensteins' proposal to make the lots buildable was justifiable, but the trail issues need to be clarified. Ownership and maintenance and liability responsibility need to be addressed.

**Mr. Forbush** stated that there had been a great deal of negotiation done with property owners. The engineering for the trail had limited options.

**Mr. Hale** liked the idea that the developer wanted to clean up lots, reducing the slope of the trail and making the land more buildable.

### **Motion**

**Sid Young** moved that the City Council table the agenda item until more information and resolutions could be achieved.

With no second, the motion was withdrawn.

**David Hale** moved that the City Council approve the plat amendment for the Hughes Estates Subdivision including Ordinance No. 2004-20, an ordinance authorizing the Mayor to enter an order

vacating and amending Lots 105, 106, 126, 127, and 128 of the Hughes Estates and directing that the same be recorded with the Davis county Recorder's Officer. **Susan Holmes** seconded the motion.

In discussion of the motion, it was clarified the easement was being reduced from 40 to 20 feet as part of a settlement agreement.

**Ms. Holmes** asked that the Council consider (not as part of the motion) authorizing staff to work with the Moyers regarding the trail and to work with the developer regarding the excavation permit. Also that the Staff work with any other property owner regarding the trail corridor.

**Mr. Young** felt that those issues were the reason for his original motion and that those issues should be resolved prior to approval of the plat amendment.

**Mr. Forbush** discussed the settlement agreement and its requirements. He also stated that the issues regarding the requested gates needed to be addressed. He had some concerns about enforcement but felt it may be a good idea to restrict motorized vehicles. If the easement is not reduced to 20 feet the City may be in violation of the settlement agreement.

A vote was taken. It was passed 4 to 1. Mr. Young opposed the motion.

**Mayor Connors** stated that the City Council was in favor of restricting the residential area in question from motorized vehicles. It is an issue that needed to be considered by the City officials. Signage should probably be placed immediately to inform the public. There may be problems with enforcement and vandalism.

#### **AMENDMENT TO THE AGENDA**

By consensus, the City Council approved the Mayor's suggestion that Agenda Item #16 be covered next on the agenda. This was done in deference to many interested citizens in attendance.

#### **USE OF HERITAGE PARK FOR CITY RECREATION SPORTS EVENTS (YOUTH FOOTBALL)/ VIOLA KINNEY (Agenda Item #16)**

According to information provided by **Viola Kinney**, Leisure Services Director, home football games conducted by the City's Leisure Services were currently being held at South Park, which was not conducive to the activity. South Park was not properly graded, was not the proper length, and was located next to I-15, which lacks sound mitigation at that location. The benefits of moving the home games to Heritage Park included: 1) it was quieter, 2) the field would run from north to south and was properly graded, 3) there was ample parking, 4) the field was the appropriate size, and 5) access was more convenient for all parties involved.

**Mayor Connors** stated that the City Council anticipated there would be a public hearing on the issues over Agenda Item #16. The purpose of the item in the current agenda was to accept the petitions as submitted. A public hearing would be scheduled for a future City Council meeting. There had not been proper notification for a public hearing during the current meeting.

**Mr. Forbush** stated that if the hearing were scheduled for June 16<sup>th</sup> then the event could be published in the City's *Newsletter*.

**Tani Downing** briefly addressed the City Council and asked for permission to add names to the petition being considered for acceptance by the City Council

### **Motion**

**David Hale** moved that the City Council set a public hearing regarding the use of Heritage Park for City recreation sports events on June 16<sup>th</sup>. **Larry Haugen** seconded the motion, which passed by unanimous vote.

### **REQUEST TO EXTEND SPECIAL TRUCK ROUTE HAUL PERMIT 2002-2004, STEVE SKINNER/JONATHAN HUGHES (Agenda Item #6)**

**Mr. Forbush** explained that the original permit was intended to allow limited hauling before residents moved into the subdivision. He reported that Mr. Skinner had placed erosion control devices which were very effective. Re-seeding was in process. The terrain of the area will be benefitted because of the actions. If the special truck route haul permit is extended, the bond will also need to be extended.

### **Motion**

**Susan Holmes** moved that the City Council approve extending the Truck Haul Route Permit 2002-04 from August 7, 2003 through August 6, 2004. **Sid Young** seconded the motion, which passed by unanimous vote.

### **DONATION REQUEST FROM HILL AIR FORCE BASE (Agenda Item 37)**

Packet information indicated that officials from Hill Air Force Base wished to purchase the inside front cover of the *Newcomers Guide* for information regarding the communities in surroundings areas. The ad space would cost \$6,460. However, if each of the cities involved participated, Farmington's cost would be \$646. In information included, Shawn Mecham, Director of Public Affairs for Hill, reported that the economic impact to Utah, including Farmington, because of the base was significant. The advertizing was therefore justifiable.



**Motion**

**Susan Holmes** moved that the City Council authorize expenditures from the Council contingency fund in the amount of \$646 to purchase advertising in the *Newcomers Guide* as requested by Hill Air Force Base. There will be no other costs. **Larry Haugen** seconded the motion which passed by unanimous vote.

**CONSIDERATION OF MINOR PLAT APPROVAL FOR MONTE VISTA SUBDIVISION/GARY PAYNE, DAVIS COUNTY SCHOOL DISTRICT (Agenda Item #8)**

**Mr. Forbush** introduced the agenda item. The Planning Commission had discussed the request and had some concerns regarding the temporary trailers being used for office space. The Commission requested that any such use come before them for conditional use consideration.

**Mr. Hale** wanted assurance that the OTR zone requirements would be honored.

**Motion**

**David Hale** moved that the City Council approve the minor plat for Monte Vista Subdivision as requested contingent on compliance with the conditions set forth in the Planning Commission's directives and conditions set forth in their March 31, 2004, letter and in the letter sent to Gary Payne from David Petersen, dated April 30, 2004. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**REQUEST TO VACATE PUBLIC UTILITY EASEMENTS ON LOTS 33 AND 34 OF SHEPARD HEIGHTS SUBDIVISION/NEAL HARRIS (Agenda Item #9)**

According to information provided by the applicant, Mr. Harris had purchased lots 33 and 34 of the Shepard Heights Subdivision and wished to build a home that would straddle both lots. A public utility easement ran down the middle of the property which would have been necessary if two homes had been constructed. Mr. Harris requested that the easement on the southern boundary of lot 35 and the northern boundary of lot 33 be vacated. The remaining easements on the east and west of both properties, when combined with the north easement of lot 35 and the south easement of lot 33 would meet City ordinances for the combined property.

**Paul Hirst** stated that a drainage easement from Forest Service land remaining on the north side of Lot 34 needs to be conveyed to the City. He suggested that the Public Utility Easement abandonment be traded for the conveyance of a new 15-foot storm drainage easement down the north boundary of lot 34.

**Motion**

**Rick Dutson** moved that the City Council authorize the Mayor to sign the Revocation and Abandonment of Easement, approving the vacation of the easements as described therein subject to the trade for a 15 foot storm drainage easement down the north boundary of lot 34. **Susan Holmes** seconded the motion, which passed by unanimous vote.

**MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #10)**

**Susan Holmes** moved to approve the following items by consent as follows:

1. Ratification of construction bond agreements previously signed by Mayor Connors.
2. Approval of surety bond agreement with Boyer-Wheeler Farm, L.C. pertaining to Farmington Ranches East Subdivision.
3. Approval of Public Improvements Extension Agreement with Andrew Romney.
4. Approval of Public Improvements Extension Agreement with Steven and Sylvia Coates.
5. Approval of resolution amending Personnel Policies by adding Martin Luther King, Jr., Day as a paid City holiday.
6. Approval of shuttle bus agreement with UTA and Lagoon Corporation.
7. Approval of Employee Health Insurance Coverage Agreement with PEHP.
8. Approval of request to declare Apple computer as “surplus” authorizing its sale on esurplus.com.

**Larry Haugen** seconded the motion, which passed by unanimous vote.

**ADOPTION OF TENTATIVE BUDGET/ESTABLISHMENT OF TIME AND PLACE OF PUBLIC HEARING PRIOR TO ADOPTION (Agenda Item #11)**

Packet information stated that in accordance with provisions of Utah Municipal Code entitled 10-6-113, it is appropriate for the City Council to approve, by minute motion, the tentative budget to be presented at the City Council meeting and to establish a hearing date. Mr. Forbush suggested the hearing date be set for June 16, 2004, at 7:00 P.M. Adoption of this tentative budget does not preclude the City Council and others of additional review, comment, and changes. The tentative budget submitted would be in draft form and was being submitted solely to comply with the law.

**Mr. Forbush** stated that law required presentation of a budget report. The City Council would meet over the next few weeks to finalize and refine the budget proposal. Mr. Forbush then reviewed the contents, revenues, needs, expenditures, staffing, and other elements of the draft budget.

### **Motion**

**Larry Haugen** moved that the City Council adopt the tentative FY 05 Budget and establish a public hearing time to consider final adoption on June 16, 2004, at 7:00 P.M. **Susan Holmes** seconded the motion, which passed by unanimous vote.

### **ORDINANCE ESTABLISHING TAX ON GROSS RECEIPTS OF TELECOMMUNICATIONS SERVICE PROVIDERS, REPEALING INCONSISTENT TAXES AND FEES/INTERLOCAL AGREEMENT WITH STATE TAX COMMISSION TO COLLECT TAX (Agenda Item #12)**

The ordinance regarding the imposition of a 4% telecommunications taxes on gross revenues and an inter-local agreement were the culmination of much debate between the legislature, the Utah League of Cities and Towns, and the telecommunication industry. With adoption of this ordinance, effective July 1, 2004, the City would begin collecting a 4% tax of gross revenues collected by telecommunications providers. Previously the City had a 6% franchise tax on and a \$1 per cell phone tax on cell phones from a variety of service providers. The ordinance enclosed in the packet broadened the base but reduced the rate. The City would no longer collect the cell phone tax of \$1 per cell phone nor impose the 6% utility franchise tax. All service providers related to the telecommunications industry would pay the new 4% tax.

### **Motion**

**Sid Young** moved that the City Council adopt Ordinance No. 23, an ordinance establishing a tax on the gross receipts of telecommunications service providers; setting the rate for such tax, and establishing the effective date of the tax. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**Sid Young** moved that the City Council approve the inter-local agreement with the State Tax Commission as presented in the packet authorizing the Mayor to sign the same. **Susan Holmes** seconded the motion, which passed by unanimous vote.

### **PUBLIC TRAIL RECREATION EASEMENT AGREEMENT WITH UTAH POWER/ SLOPE EASEMENT FROM FARMINGTON CITY TO UTAH POWER (Agenda Item #13)**

Utah Power has plans to expand its substation which will benefit all of Farmington residents since the construction will enhance service reliability. Construction of the enlarged substation will

require some fill material being placed onto the City's property as illustrated on the map in the packet (100 North Street right of way west of Main Street). Hence, Utah Power is seeking a slope easement from the City. In addition, Utah Power would give to the City \$1,000 for the installation and placement of certain landscape trees around the perimeter of the trail. They had provided a landscape plan. Since the expansion of the substation was of minor consequence, staff considered it as a minor site plan and therefore would not need to go to the Planning Commission. Staff had negotiated arrangements for these improvements. The City would receive a permanent trail easement which had not been the case previously. Utah Power would receive a slope easement; the City would receive \$1,000.

**Mr. Forbush** reviewed the issue and stated that the City Attorney had reviewed the agreements and had not opposition.

### **Motion**

**David Hale** moved that the City Council approve two agreements; the first was to approve the public trail recreation easement with Utah Power; the second was to approve a slope easement agreement between the City and Utah Power subject to final review of the City Attorney. **Rick Dutson** seconded the motion, which passed by unanimous vote.

### **PROPERTY ACQUISITION AGREEMENT WITH RULON AND JUDY JENSON (Agenda Item #14)**

The agreement represented a property exchange and settlement agreement to permit the City to construct the storm water detention basin on Compton Bench. The City had already purchased the adjoining property from the Fords. The agreement essentially enlarged the capacity of the basin and made it a perfect rectangular shape. In the agreement, the City acquires the parcel in question in exchange for giving part of the Ford property to the Jensons, plus an additional conditions included \$1 per square foot for the remaining footage. The City will also provide five trees to the Jensons; move some landscaping rocks, readjust the fence line; and adjust the sprinkler system.

**Paul Chase** (1163 Alice Lane) stated that the entire neighborhood was concerned that the City may not landscape the detention basin.

**Mr. Forbush** stated that it was never the intention of the City to do nothing. Mr. Forbush said staff could meet with the neighbors to talk about their concerns.

**Mayor Connors** said the City recognized the detention basin was in the middle of a residential neighborhood and that some kind of landscaping will need to be done. The Problems Resolution Committee was asked to meet with residents regarding this issue. Mr. Forbush was asked to schedule the meeting.

**Motion**

**Larry Haugen** moved that the City Council approve the Property Acquisition Agreement with Rulon and Judy Jenson with conditions as discussed. **David Hale** seconded the motion, which passed by unanimous vote.

**RESOLUTION PROMOTING A CHILD-APPROPRIATE STANDARD IN FARMINGTON**  
**(Agenda Item #15)**

**Mayor Connors** stated that the resolution contained in the packet had been approved by other cities in Davis County.

**Mr. Forbush** said the City Attorney had reviewed the resolution and stated it was appropriate.

**Motion**

**Sid Young** moved that the City Council adopt Resolution No. 2004-24, a resolution promoting a child-appropriate standard in Farmington City. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**FARMINGTON CITY LOGO REVIEW AND DEVELOPMENT PROCESS PROPOSAL/**  
**COUNCIL MEMBER DUTSON (Agenda Item #17)**

**Mr. Dutson** submitted a memorandum to the City Council recommending that the City change its current logo. He reviewed a proposal by which that goal could be achieved. Mr. Dutson recommended a committee of approximately 5 people, representing the Leisure Services Department, the Arts Council, a private citizen, staff, and the City Council, be created to discuss options and make recommendations. He felt the process could be completed within a month's time.

**Mr. Haugen** suggested that a member of the Historical Preservation Committee be invited to participate.

**Mr. Hale** felt such a committee should also consider the option that there be no change.

**Ms. Holmes** said wise public relations would call for a quality brochure to be published especially in light of the needs and possibilities of economic development in the west Farmington area. She was in favor of updating the City's logo.

**Motion**

**David Hale** moved that the City Council create a review committee of approximate five to six members as discussed, representing the Leisure Services Department, the Arts Council, a private citizen, staff, the Historical Preservation Commission, and the City Council, with Mr. Dutson acting as chair, to consider changing the City's logo. **Susan Holmes** seconded the motion, which passed by unanimous vote.

#### **FLOOD MITIGATION PROJECTS/BID AWARD TO CLAUDE NIX CONSTRUCTION COMPANY (Agenda Item #18)**

**Mr. Forbush** stated that there had been a lot of interest in the recent mud slides in Farmington caused by torrential rains and the hillside fires of last summer. It is possible that the Forest Service will pay for construction of a banana-shaped debris basin on Forest Service land near the City's 100,000 gallon water tank. However, a preliminary design must be submitted before consideration is given to the project. Farmington will need to fund that preliminary design work. The area under consideration is east of the Compton Bench. The approximate cost of the study would be between \$5,000 and \$6,000.

#### **Motion**

**Susan Holmes** moved that the City Council authorize the expenditure of up to \$6,000 to retain engineers to do a preliminary plan for a debris basin. **David Hale** seconded the motion, which passed by unanimous vote.

Information regarding the Claude Nix Construction Company bid was included in the packet. Prior to the City Council meeting, the City Manager, Public Works Director and the City Engineer had met to review the bid and to review the storm water fund budget for the upcoming year. Alternative debt service schedules had been presented by Zions Public Finance. **Mr. Forbush** had talked to the bond attorney and suggested that the required May 19th public hearing be held prior to the bid award.

#### **475 SOUTH SECOND ACCESS PROPOSAL (Agenda Item #19)**

The packet for the meeting included information regarding development along the non-conforming 475 South Street. A problem existed in that 475 South Street was over 1800 feet long. The best chance for secondary access exists on the north side adjacent to properties owned by James Dixon and Jeanette VanWagoneer. Mr. Dixon had prepared a cost summary sheet and had indicated that there was no incentive for either him or Jeanette VanWagoneer to accommodate an access road going north through their properties. Presently they can split their lots in two and make as much money as they could if they were to dedicate a road, pay the improvements, and create four lots on each side. Actually, under the conservation development provisions, total numbers of lots that could be developed between the two parcels would only be seven lots.

The City Manager suggested a way to provide incentives for these two properties wherein the owners be willing to dedicate and improve a road through their property or at least convey the right of way thus enabling a future developer to complete the improvements and buy into what has been improved.

**Mr. Forbush** explained that Michael Brown would be buying the Nelson property at the beginning of 475 South and would be creating an additional five or six lots. Mr. Brown also had subdivision intentions on the south side on other properties that he owns. He wanted to do these subdivision lots under the auspices of the existing Special Improvement District. Such action would need to be accomplished soon.

Mr. Forbush stated that Michael Brown was present and wanted to subdivide property into conservation lots. Some of his neighbors also wished to subdivide. The problem was that there are too many lots on a dead end street. There needed to be a secondary access for the protection and safety of the citizens involved and to meet ordinance requirements.

**Ms. Holmes** felt that developments should pay for themselves. The City has already done quite a bit to assist the area in question in attempts to make it more developable.

After a brief discussion, by consensus, the City Council gave conceptual, non-binding approval which favored the trade of property between Mr. Brown and Jeannette Van Wagoneer and that a stub road be improved to the property line. The City Council made it clear the City would not be involved in subsidizing the cost of the State road on the north side of 475 South Street near the west end.

## **MISCELLANEOUS**

### **Sidewalk Near the Assisted Living Centers**

Ms. Holmes reported there was construction materials and dirt which blocked the sidewalk near the assisted living centers in west Farmington. The blocked sidewalks were hazardous to the elderly who use the area.

### **Truck Route Permit**

A truck route permit application had been submitted as part of the development of the Miller Meadows Subdivision. **Mr. Forbush** reviewed the permit request.

**Ms. Holmes** mentioned that there is no sidewalk in one portion of the route where school children wait for buses in the morning and are dropped off after school is out. Trucks must obey the speed limits and be aware of the presence of the children.

**Motion**

**Larry Haugen** moved that the City Council approve the Special Truck Route Permit for Thurgood Excavating, Inc., with an additional requirement restricting truck speed to 5 miles below the legal speed limit in the area. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**Ken Hardy Resolution Meeting**

Mr. Hale and Mr. Young were invited as members of the Problems Resolutions Committee to a meeting to be held at 4:30 P.M. on Monday, May 10<sup>th</sup> in the City Offices.

**Economic Development Proposals**

Chris Roybal requested a meeting with the City Council to discuss his proposals for assistance with economic development plans in Farmington. The meeting was set for 6:00 P.M. on May 19<sup>th</sup>.

**ADJOURNMENT TO CLOSED SESSION**

**David Hale** moved that the City Council adjourn to closed session to discuss strategy as it pertains to pending litigation at 10:50 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

At 12:03 a.m. a motion was made by **Susan Holmes** to go back into open session. The motion was seconded by **Rick Dutson** and passed with all Council Members voting in favor.

**ADJOURNMENT**

There being no further business to bring before the Council and upon motion by **Larry Haugen** with a second to the motion by **Rick Dutson** to adjourn the meeting, the meeting was adjourned at 12:03 a.m.

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Margy Lomax, City Recorder